

# Home and Community Based Settings Rule Heightened Scrutiny Evidentiary Package

On March 17, 2014, new federal Medicaid rules for Home and Community Based Services (HCBS) went into effect. The rules impact many parts of HCBS. One of the most important topics is the places where HCBS can be provided.

Because HCBS programs are offered as alternatives to nursing and intermediate care facility services, the new rules make sure that HCBS are provided in settings that are not institutional in nature. To follow this rule, states must make sure that HCBS settings are part of a larger community, people are able to have choices about their service settings, and that people are assured their rights to privacy, dignity and respect.

States must evaluate their HCBS programs to determine the level of compliance with the new rules. The setting indicated on this form has been identified as requiring to go through the heightened scrutiny process as part of the compliance process.

Additional information on Heightened Scrutiny can be found here: [HCBS Settings Rule: Heightened Scrutiny](#)

## Setting Information

<b>Site Name:</b>	Adult Autism Center of Lifetime Learning, Intellectual and Developmental Disabilities	<b>Site #</b>	New Setting
<b>Site Address:</b>	6232 S 900 E Murray, Ut 84121		
<b>Website:</b>	<a href="https://adultautismcenter.org/">https://adultautismcenter.org/</a>		
<b># of Individuals Served at this location regardless of funding:</b>	19	<b># of Medicaid Individuals Served at this location:</b>	18
<b>Waiver(s) Served:</b>		<b>HCBS Provider Type:</b>	
<input checked="" type="checkbox"/> Acquired Brain injury <input type="checkbox"/> Aging Waiver <input checked="" type="checkbox"/> Community Supports <input checked="" type="checkbox"/> Community Transition <input type="checkbox"/> New Choices <i>Description of Waivers can be found here:</i> <a href="https://medicaid.utah.gov/ltc/">https://medicaid.utah.gov/ltc/</a>		<input checked="" type="checkbox"/> Day Support Services <input type="checkbox"/> Adult Day Care <input type="checkbox"/> Residential Facility <input type="checkbox"/> Supported Living <input type="checkbox"/> Employment Preparation Services	
<b>Heightened Scrutiny Prong:</b>			
<input type="checkbox"/> Prong 1: Setting is in a publicly or privately operated facility that provides inpatient institutional treatment  <input type="checkbox"/> Prong 2: Setting is in a building on the grounds of, or immediately adjacent to, a public institution  <input checked="" type="checkbox"/> Prong 3: From the initial assessment, the setting was found to have the effect of isolating individuals from the broader community. The following is the area that was identified: <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> A. Individuals have limited, if any, opportunities for interaction in and with the broader community and /or the setting is physically located separate and apart from the broader community and does not facilitate individual opportunity to access the broader community and participate in</li> </ul>			

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	<p>community services consistent with their person centered service plan</p> <p><input type="checkbox"/> B. The setting restricts individuals choice to receive services or to engage in activities outside of the setting</p> <p><input checked="" type="checkbox"/> C. The setting has qualities that are institutional in nature. These can include:</p> <ul style="list-style-type: none"> <li>● The setting has policies and practices which control the behaviors of individuals; are rigid in their schedules; have multiple restrictive practices in place</li> <li>● The setting does not ensure an individual’s rights of privacy, dignity, and respect</li> </ul>
<b>Onsite Visit(s) Conducted:</b>	12/12/22 (Virtual), 5/23/23 (In-Person)
<b>Description of Setting:</b>	
<p><b>History:</b> The Adult Autism Center came on as a new provider providing services only to individuals with a diagnosis on the Autism spectrum. This occurred prior to the State’s revised pre-solicitation Settings Rule new setting compliance process requirement. As soon as the State determined they were non-compliant, the Adult Autism Center submitted a remediation plan to come into compliance with the Settings Rule as a new provider.</p> <p><b>Current Description of the Setting:</b> The Adult Autism Center of Lifetime Learning provides support for adults with Intellectual and Developmental Disabilities. They are located near the historic Wheeler Farm, city parks, and a number of restaurants and stores. The Adult Autism Center of Lifetime Learning has added a tagline to their logo and name to make it clear that they serve all individuals with intellectual and developmental disabilities through their services.</p> <p>The setting serves individuals who require a high level of behavioral support. They currently have a waitlist for their services and their waitlist priority is based on the level of support they require.</p>	
<b>Current Standing of Setting:</b>	
<p><input checked="" type="checkbox"/> Currently Compliant: the setting has overcome the qualities identified above</p> <p><input type="checkbox"/> Approved Remediation Plan: the setting has an approved remediation plan demonstrating how it will come into compliance. The approved timeline for compliance is:</p>	

## Evidence the Setting is Fully Compliant or Will Be Fully Compliant

<b>Prong 1: The setting is in a publicly or privately operated facility that provides inpatient institutional treatment; the setting overcomes this presumption of an institutional setting.</b>	
<b>Compliance:</b>	<input type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant <input checked="" type="checkbox"/> Not Applicable

<b>Prong 2: The setting is in a building on the grounds of, or immediately adjacent to, a public institution; the setting overcomes this presumption of an institutional setting.</b>	
<b>Compliance:</b>	<input type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant <input checked="" type="checkbox"/> Not Applicable

<b>Prong 3 A: The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.</b>	
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# Home and Community Based Settings Rule Heightened Scrutiny Evidentiary Package

<b>Compliance:</b>	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant
<b>Summary:</b>	<p><b>Initial Remediation Plan Summary:</b>          The setting submitted a remediation plan outlining their plan on how they would include individuals with intellectual and developmental disabilities other than Autism into their program. Their plan included the following: revising their logo, updating their intake and admission paperwork, revising their admission criteria, joining the DSPD “in search of” (ISO) referral emails, creating a priority placement standard operating procedure for their waiting list, communicating the change to their stakeholders, social media post timelines, website material updates, printed material updates, creating Vini Podcast episode on program expansion, admission of new individuals, and meeting general setting rule standards. The setting met with State staff extensively to ensure that their remediation plan, including their updated policies would meet setting rule standards.</p> <p><b>Onsite Visit Summary (12/12/22):</b>          A tour of the facility gave the impression that skill building was happening mainly in the building and not in the community. The provider has separate rooms for different types of skills (daily living, medical appointments, exercise) that individuals use. Interviews with staff confirmed that community activities were focused on fun while skill building was done in the building. Staff did indicate that they encourage individuals to play and work on daily living skills when in the community.          They have weekly meetings with individuals to discuss what community activities they would like to do that week. They use verbal and visual communication to get feedback on what the individuals would like to do. Each day they will confirm the scheduled plans with individuals and people can stay back from the activity if they choose. The individuals we spoke with said that they are able to get out into the community and have choice on their participation. Staff indicated that they currently don’t have an employment specialist so they aren’t having employment conversations when out in the community. If someone does show interest they refer the individual to their job coach for discussion.          The provider has their logo on their vans and a third party has a commercial running with their old branding indicating they are limited to individuals with an Autism diagnosis. At the time of the visit the provider had not yet begun serving individuals without an Autism diagnosis although that had implemented their outreach strategies.</p> <p><b>Remediation Plan Summary:</b>          The provider removed their branding from their vans on 2/1/23 and submitted photos for the State to review. They have worked with the third party to add a voice over to the commercial updating the branding information.          The provider implemented a monthly meeting in addition to the weekly meetings where they can get individual’s feedback on the places they would like to go that month. They submitted an agenda from a meeting once it was implemented.          The provider has a staff member in another role who has an employment specialist certification. They will re-train staff to have employment conversations when in the community and refer those individuals who express interest to their certified staff member. Staff will be retrained on skill building and development when in the community and not relying on the</p>

# Home and Community Based Settings Rule Heightened Scrutiny Evidentiary Package

	<p>facility. The provider did state that development at their location is focused on hygiene and skills like laundry that are difficult to replicate in the community.</p> <p>The setting is actively working on admitting individuals to the program who have a diagnosis other than Autism. The setting is currently serving one individual with a non-ASD diagnosis.</p> <p><b>Onsite Visit Summary (5/23/23):</b></p> <p>The setting has made significant changes and demonstrated programming is more community based. Both individuals and staff reported that individuals are able to be in the community as much as they want to be. Skill building is happening both in the building (practicing first) and then in the community. Individuals are able to choose where they want to go and which group and friends they go with. Some of the places in the community they have been recently have been: Mall, walking (various places), parks (various parks), rec center, Humane Society, Dinosaur Museum, grocery shopping, dollar store, Red Butte Garden, and WalMart. They go out in small groups or 1 on 1, depending on the support needed, based on the individual wants and needs.</p> <p>Both staff and individuals served reported that conversations about employment are occurring while in the community. Staff are able to describe the process towards competitive integrated employment (CIE), if an individual is interested and how they encourage conversations around CIE while in the community.</p> <p>The setting is currently serving one individual with a non-ASD diagnosis. They have had individuals with intellectual and developmental disabilities tour the program and determine that the program was not the right fit for them. This shows that the settings outreach is working and that individual's are being given the choice of provider and setting in which they are receiving services.</p> <p><b>Policy/Document Review:</b></p> <p>The following were reviewed for compliance:</p> <ul style="list-style-type: none"> <li>● Admission Criteria SOP</li> <li>● Priority Placement SOP</li> <li>● Updated photo of bus</li> <li>● Community Outing Agenda</li> </ul>
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<b>Prong 3 B: The setting is selected by the individual from among setting options, including non-disability specific settings.</b>	
<b>Compliance:</b>	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant
<b>Summary:</b>	<b>Onsite Visit Summary (12/12/22):</b> Individuals interviewed indicated that they chose the provider and liked coming to the program.

<b>Prong 3 C: The setting optimizes, but does not regiment individual initiative, autonomy, and independence in making life choices. The setting ensures an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint. The setting ensures the individual has the freedom and support to control his/her own schedule and activities.</b>	
<b>Compliance:</b>	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant

# Home and Community Based Settings Rule Heightened Scrutiny Evidentiary Package

<b>Summary:</b>	<p><b>Onsite Visit Summary(12/12/22):</b> Staff indicated that there are larger monthly activities to places like the Zoo or the Aquarium. Staff said that they plan those activities and then present them to the individuals to see who would like to participate. It was unclear if staff had been trained on rights restrictions. Staff said that people are free to come and go but also talked about how individuals need to be supported by staff. Staff talked about supervision restrictions generally but couldn't give specific examples of individuals with restrictions. Leadership indicated that everyone has a supervision restriction</p> <p><b>Remediation Plan Summary:</b> The provider is going to conduct staff training on rights restrictions, individualized choice and the Settings rule. They will also implement a monthly meeting to gather individual feedback regarding the larger outings they do in the community.</p> <p><b>Onsite Visit Summary (5/23/23):</b> Staff meet with individuals monthly and weekly to have conversations about what activities they would like to do. They then take the ideas from the individuals and plan an activity calendar. Individuals are able to choose which activities they participate in. Both staff and individuals reported this new process has been implemented and they are able to choose what they do on a daily basis. Individuals reported they are getting out as much as they want and doing the activities they want to do. Staff have been trained on the individual's rights restrictions, where to find them and understand those restrictions. It was clear through staff interviews that they understand that rights restrictions must be individualized and specific to each person served.</p> <p><b>Policy/Document Review:</b> The following were reviewed for compliance:</p> <ul style="list-style-type: none"> <li>● Human Rights Documents Review</li> <li>● Informed Consent SOP</li> <li>● Community Outing Agenda</li> <li>● Staff training documentation</li> </ul>
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<b>Overall, the setting enforces the Home and Community-Based Settings Regulation requirements.</b>	
<b>Compliance:</b>	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant
<b>Summary:</b>	<p>The setting went through significant transformation to ensure it includes individuals of all intellectual and developmental disabilities. The provider has taken steps to have more inclusive company branding that included removing branding from vehicles and using more inclusive language on their website and with third-party advertisements. The setting has implemented policies and programs in place to recruit individuals with intellectual and developmental disabilities into their program. The setting serves individuals who require a high level of behavioral support. They currently have a waitlist for their services and their waitlist priority is based on the level of support they require. The setting is currently serving one individual with a non-ASD diagnosis. They have had individuals with intellectual and developmental disabilities tour the program and determine that the program was not the right fit for them. This shows</p>

# Home and Community Based Settings Rule Heightened Scrutiny Evidentiary Package

	<p>that the settings outreach is working and that individual’s are being given the choice of provider and setting in which they are receiving services.</p> <p>The provider has improved staff training, collected more input from those they serve, and done a better job at providing individual choice and informed consent regarding employment. Their program is more community based and individuals are reporting they are out in the community as much as they desire.</p>
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## Input from Individuals Served and Staff

<b>Individuals Served Summary:</b>	<p><b>Summary of interviews (2022):</b></p> <ul style="list-style-type: none"> <li>● Individuals interviewed said that they are able to choose which activities they do.</li> <li>● Individuals interviewed said they are able to go to activities out in the community.</li> <li>● Individuals interviewed said that staff are friendly and treat them well.</li> <li>● Individuals interviewed indicated that they chose the provider.</li> </ul> <p><b>Summary of interviews (2023):</b></p> <ul style="list-style-type: none"> <li>● Individuals interviewed indicated they helped to make the schedule.</li> <li>● Individuals interviewed said they can tell staff what they want to do.</li> <li>● Individuals interviewed said staff help them look for jobs.</li> <li>● Individuals interviewed indicated they work in skills in the community.</li> <li>● Individuals interviewed said they were out in the community a lot.</li> <li>● Individuals interviewed reported they got to pick the friends they go out into the community with.</li> <li>● Individuals interviewed reported they got out into the community as much as they wanted to.</li> </ul>
<b>Staff Summary:</b>	<p><b>Summary of interviews (2022):</b></p> <ul style="list-style-type: none"> <li>● Staff indicated that there is at least one activity in the community each day</li> <li>● Staff indicated that if an individual wants to do an activity that isn’t scheduled they see who else would like to participate that day or they will schedule that activity</li> <li>● Staff indicated that we help with social greeting skills and helping clients understand that they can ask staff questions when in the community. We encourage individuals to pay and use daily living skills when they are out in the community.</li> <li>● Staff indicated that there is a job coach that assists with skill development for employment.</li> <li>● Staff indicated that while they don’t currently have their employment specialist position filled, they would refer individuals who have an interest in employment to the employment specialist and job coach.</li> <li>● Staff indicated that as they don’t currently have an employment specialist they aren’t having employment conversations with individuals who haven’t shown interest in working.</li> <li>● Staff interviewed indicated that the community activities were mostly for fun and that skill building is typically done at the location.</li> <li>● Staff indicated that there is an annual rights restriction training and staff meetings where client needs are discussed.</li> <li>● Staff indicated that their training isn’t specific to individuals with Autism.</li> </ul>

# Home and Community Based Settings Rule Heightened Scrutiny Evidentiary Package

	<ul style="list-style-type: none"> <li>● Staff indicated that larger field trip options are planned and then individuals decide what they want to go on.</li> <li>● Staff and leadership indicated that the majority of individuals served have supervision restrictions relating to safety concerns when in the community.</li> <li>● Staff indicated that individuals are able to come and go from the facility as they choose.</li> </ul> <p><b>Summary of interviews (2023):</b></p> <ul style="list-style-type: none"> <li>● Staff interviewed indicated there were several activities for individuals to choose from each day.</li> <li>● Staff interviewed reported that the setting has a bus, a van, and use public transportation to access the community.</li> <li>● Staff reported they go out into the community daily and sometimes twice a day.</li> <li>● Staff reported several groups go into the community throughout the day.</li> <li>● Staff interviewed reports the group size for community outings is 5-6 individuals.</li> <li>● Staff interviewed indicated they have a monthly schedule and individuals can choose from what is on there. They also indicated they are flexible with the schedule.</li> <li>● Staff interviewed reported they have 2 individuals working at Scheels and they volunteer at the Humane Society.</li> </ul>
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<b>Ongoing Remediation Activities</b>	
Current Standing: <input checked="" type="checkbox"/> Currently Compliant <input type="checkbox"/> Approved Remediation Plan	
<b>Continued Remediation Activities</b>	N/A for current compliant
<b>Ongoing Monitoring Activities</b>	<p>The State will use the following tools to ensure settings continue compliance with the Settings Rule criteria:</p> <ul style="list-style-type: none"> <li>● Conducting individual served experience surveys</li> <li>● Addressing settings compliance during the annual person centered service planning process</li> <li>● Ongoing provider training and certification</li> <li>● Monitoring through critical incident reporting</li> <li>● Case Management/Support Coordinator visit monitoring</li> <li>● HCBS Waiver Reviews/Audits</li> </ul>